

AFFIDAVIT OF PERSONAL SERVICE

N
INDEX # 08CV4274

U S District COURT OF THE STATE OF NEW YORK
COUNTY OF Southern

COCHRAN NEUFELD & SCHE
99 Hudson St
NEW YORK
NY 10013

Jose Garcia Randy Garcia And Jose Garcia Jr
Individually Etc

- against -

The City Of New York Detective Anthony
Pezzullo Ada Curtis Farber Etc

(212) 965-9081

Atty File # 2063

Record # 75312

File # 1005

STATE OF NEW YORK: COUNTY OF NASSAU: ss

Howard Kwastel Lic #0940927 being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the State of New York:

That on 06/06/08 at 11:14am at 198 East 161st St Rm 662 Bronx Ny 10451 deponent served the within Summ & Comp In A Civil Act Ind Rules And Inst For Elec Filing by personally delivering to and leaving with said William Zelenka Bronx County District Attorney a true copy thereof, At their usual place of business. and that deponent knew the person so served to be the person described as said recipient therein.

A description of the person served is as follows:

Approx Age: 43 Years Approx Weight: 205 Lbs. Approx Height: 6'3'
Sex: Male Color of Skin: White Color of Hair: Brown
Other: Glasses

confirmed the above address of defendant and asked whether defendant was in active military service of the United States or the State of New York in any capacity whatever or is a dependent of anyone in the military and received a negative reply and that the defendant always wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that defendant is not in the military service of New York State or of the United States as that term is defined in either the State or in Federal statutes.

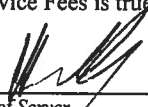
Sworn to before me this 06/09/08
Maureen Scarola #01SC6127636
Notary Public, State of New York
Nassau County, Commission Expires 05/31/09

Howard Kwastel Lic #0940927

Supreme Judicial Services, Inc.

371 Merrick Road - Rockville Centre, N.Y. 11570 - (516) 825-7600
255 Broadway - New York, N.Y. 10007 - (212) 319-7171
Fax (516) 568-0812

AO 440 (Rev. 8/01) Summons in a Civil Action

| RETURN OF SERVICE | | |
|---|----------|----------------|
| Service of the Summons and complaint was made by me ⁽¹⁾ | DATE | 6/6/08 |
| NAME OF SERVER (PRINT) Howard Kwastel | TITLE | Process Server |
| <i>Check one box below to indicate appropriate method of service</i> | | |
| <input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <div style="margin-left: 40px;">Bronx County District Attorney 198 E 161st St - Bronx NY 10451</div> <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. <div style="margin-left: 40px;">Name of person with whom the summons and complaint were left:</div> <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify): | | |
| STATEMENT OF SERVICE FEES | | |
| TRAVEL | SERVICES | TOTAL \$0.00 |
| DECLARATION OF SERVER | | |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div style="width: 30%;"> <p>Executed on <u>6/6/08</u></p> <p style="text-align: center; font-size: small;">Date</p> </div> <div style="width: 60%;"> <p style="text-align: center;"></p> <p style="text-align: center; font-size: small;">Signature of Server</p> <p style="text-align: center; margin-top: 10px;">Supreme Judicial Service's 371 Merrick Rd, Ste 202, Rockville Centre, NY 11570</p> <p style="text-align: center; font-size: small;">Address of Server</p> </div> </div> | | |

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.